

SIXTEENTH DAY

(Tuesday, February 9, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Brownlee submitted the following reports:

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 58, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

KELLEY, Chairman.

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. C. R. No. 11, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KELLEY, Chairman.

Austin, Texas,
February 8, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 135, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 153, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senators Metcalfe and Bullock:

S. B. No. 154, A bill to be entitled "An Act amending Article 1457 of Chapter 12, Title 17, of the Penal Code of the State of Texas, so as to include cattle, cows, calves, bulls, steers, hogs, sheep, goats, jacks, and jennys, or any of them and requiring a description thereof, prescribing the penalty for violation thereof by the auctioneer, salesman, or party offering such animal or animals for sale; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Weinert:

S. B. No. 155, A bill to be entitled "An Act to amend Subdivision 23 of Article 1995 of the Revised Civil Statutes of the State of Texas, 1925, so that the same shall provide that the venue of suits against a private corporation, association or joint stock company, shall be in the county where such corporation, association or joint stock company has its principal office, or in any county in which the cause of action or a part thereof arose; and further providing that the venue of suits against a rail-

road corporation or against any assignee, trustee or receiver operating its railway shall be in any county through or into which the railroad of such corporation extends or is operated; and further providing that suits against receivers of persons and corporations may also be brought as otherwise provided by law; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senators Aikin and Lanning:

S. B. No. 156, A bill to be entitled "An Act to amend Subsection (14) of Section 2 of S. B. No. 423, Acts of the Forty-seventh Legislature; to amend Subsection (5) of the General Provisions, H. B. No. 272, Acts of the Forty-seventh Legislature; and to amend Section 3 of S. B. No. 402, Acts of the Forty-seventh Legislature, by adding thereto a new Section to be known as Section 3a, to follow Section 3; repealing any provision in S. B. No. 423, H. B. No. 272, or S. B. No. 402 in conflict herewith; repealing Article 419a, Vernon's Texas Statutes, 1936; and declaring an emergency."

To Committee on Finance.

By Senator Mauritz:

S. B. No. 157, A bill to be entitled "An Act to amend Article 430 of the Penal Code of the State of Texas, to further define 'barratry' so as to include an attorney is not prohibited from making application to a county, city, school district or other taxing unit for a contract to collect delinquent taxes; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Fain:

S. B. No. 158, A bill to be entitled "An Act to amend Sections 9 and 15 of S. B. No. 270, Acts of the Regular Session of the Forty-sixth Legislature, so as to extend the time of existence of the Special Ninth District Court of Montgomery, Polk, San Jacinto and Trinity Counties, and fixing the effective date of the beginning of such extension; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Morris:

S. B. No. 159, A bill to be entitled "An Act suspending the operation of Chapter 237, Regular Session, Forty-fourth Legislature for the duration of the war; and declaring an emergency."

To Committee on Commerce and Manufacturing.

By Senator Lanning:

S. B. No. 160, A bill to be entitled "An Act to provide for the placing of imprint plates on all State owned postage meters; providing certain information to be placed on the imprint plates; providing a fine for the use of such machine for private purposes; providing for the payment of cost and installation of such plates; and declaring an emergency."

To Committee on Finance.

Communication from State Director of Office of Price Administration

At the direction of the President, the following letter was read to the Senate:

Office of Price Administration
7th Floor Fort Worth Club Bldg.
Fort Worth, Texas,
February 3, 1943.

Hon. John Lee Smith, Lieutenant Governor of Texas,
Austin, Texas.

Dear John Lee: This brief note is being written to thank you and the Members of the Texas Senate for the cordial hearing which your Body together with the House of Representatives, accorded me at Austin on Monday, February 1st. It was a distinct honor to be privileged to present some of the questions of rationing to the Members of the Legislature.

I will appreciate your conveying my thanks to the Members of the Senate. I would also like for each Member of the Senate to know that on all questions pertaining to price control and rationing, whether the questions affect them personally, or affect their constituents, the facilities of my office are available to render any assistance. The Members of the Senate are requested to write me at any time with respect to these questions and I will take pleasure in giving them all possible information.

Again thanking you, and with high personal regards, I am

Yours very sincerely,
MARK McGEE,
 State Director Office
 of Price Administration.

Senate Resolution 30

(Congratulating Ed Kilman)

Senator Fain offered the following resolution:

Whereas, For the past sixteen years a brilliant news-correspondent has faithfully attended the meetings of the Texas Legislature, and accurately reported its activities; and

Whereas, This news correspondent, Ed Kilman, is distinguished for his comprehensive knowledge of Texas history, Texas politics and all current events, and for his honest and impartial reports on political and governmental questions and problems, evidenced in his many contributions and in his own column, "Texas Heartbeat,"; and

Whereas, Ed Kilman has been named to succeed the late H. Lee Mills as Editor of the Houston Post; and

Whereas, This promotion is a genuinely deserved and appropriate recognition of the efficient, distinctive and unselfish service that Ed Kilman has given to the Houston Post, the Texas Legislature and the people of the State of Texas; therefore, be it

Resolved, That we heartily congratulate the Houston Post on their choice of Ed Kilman as Editor, and proffer to Ed Kilman our sincere congratulations and the wish that his career shall continue to be characterized by honor, courage and success; and be it further

Resolved by the Senate of the State of Texas, That this resolution be printed in the Senate Journal of today and that copies of same be forwarded by the Secretary of the Senate under his seal to the Houston Post and to the members of Ed Kilman's family.

**FAIN,
 MOORE,
 COTTEN.**

The resolution was read and was adopted.

Motion to Take up Senate Bill 129

Senator Chadick moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 129 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the Senate's entire membership):

Yeas—24

Aikin	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Fain	Moore
Graves	Morris
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Nays—2

Ramsey	York
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Absent

Beck	Cotten
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Absent—Excused

Formby	Spears
Kelley	

Presentation of Mascot of Senate

Senator Mauritz at this time presented to the Senate Vicki Lois Lovelady, previously named Mascot of the Senate of the Forty-eighth Legislature.

Message from the House

Hall of the House of Representatives,
 Austin, Texas,
 February 8, 1943.

Horn. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. B. No. 145, A bill to be entitled "An Act providing for First Assistant and Chief Deputies to serve during certain vacancies existing in public offices."

S. C. R. No. 13, Inviting dignitaries from Mexico to visit the Legislature.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Hour for Executive Session Set

On motion of Senator Brownlee, and by unanimous consent, the Senate agreed to hold an executive session at 11:00 o'clock a. m. today.

Senate Bill 45 on Second Reading

Senator Metcalfe moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 45 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Martin	York

Absent

Beck Graves

Absent—Excused

Formby Spears
Kelley

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 45, A bill to be entitled "An Act amending Articles 3244, 3284 and 3245 of Title 51, Chapter 3, of the Revised Civil Statutes of 1925 so as to change the method of filing application for admission to State Tuberculosis Sanatorium, and repealing Article 3247 of the Revised Civil Statutes of 1925; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 45 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 45 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Formby Spears
Kelley

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Formby Spears
Kelley

Senate Bill 142 on Second Reading

Senator Hazlewood moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and

that S. B. No. 142 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Formby	Spears
Kelley	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 142, A bill to be entitled "An Act to amend Subdivision 100 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the terms of District Court in four counties, constituting the 100th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 142 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 142 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Chadick
Beck	Cotten
Brownlee	Fain
Bullock	Graves

Hazlewood	Moore
Jones	Morris
Lane	Ramsey
Lanning	Shivers
Lemens	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield
Moffett	York

Absent—Excused

Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Formby	Spears
Kelley	

Senate Bill 57 on Second Reading

Senator Winfield moved that the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 57 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Beck	Lanning
Brownlee	Lemens
Bullock	Lovelady
Chadick	Martin
Cotten	Mauritz
Fain	Metcalf
Graves	Moffett
Hazlewood	Moore
Jones	Morris

Ramsey	Vick
Shivers	Weinert
Stone	Winfield
Sulak	York

Absent—Excused

Formby	Spears
Kelley	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 57, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of Texas, providing for the maximum compensation of county officials in any county where the population is not less than 15,000 and not more than 15,100 inhabitants according to the last preceding Federal Census and with a total area of not less than 569,250 square acres of land and not more than 569,500 square acres of land; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 57 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 57 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Formby	Spears
Kelley	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 4, A bill to be entitled "An Act to amend Article 6602, Title 115, Chapter 2, of the Revised Civil Statutes of 1925, so as to allow members of the armed forces outside of the United States to acknowledge legal documents and instruments before any commissioned officer in the armed forces of the United States of America; and declaring an emergency."

H. B. No. 6, "An Act providing for the immediate admission into the State Confederate Home at Austin, Texas, of all eligible Confederate Veterans, and providing for the maintenance of all Confederate Veterans who are now in said Home or may be hereafter admitted."

H. B. No. 9, A bill to be entitled "An Act to amend Subsection (4), Section 2, Article XX of H. B. No. 8, Chapter 184, Acts of the Forty-seventh Legislature Regular Session, and all subsequent amendments thereto, providing for the allocation of funds from the Clearance Fund to the Old Age Assistance Fund, providing for

the appropriation of such funds; and declaring an emergency."

H. B. No. 18, A bill to be entitled "An Act amending Article 6221, Title 109 of the Revised Civil Statutes of 1925, as same has been heretofore amended, providing for an increase in the amounts of pensions paid Confederate Veterans and their widows; and declaring an emergency."

H. B. No. 122, A bill to be entitled "An Act providing for method of selling and for disposing of records now housed in the Confederate Home and the Confederate Woman's Home."

H. C. R. No. 11, Granting the heirs of William and Dora Walsh permission to sue the State.

H. C. R. No. 13, Authorizing Christine Mayes to sue the State and the State Highway Department.

H. C. R. No. 17, To grant certain persons permission to sue the State.

H. C. R. No. 25, Approving H. R. No. 38 as introduced by the Honorable H. P. Fulmer, chairman of the House Agricultural Committee of the Congress of the United States.

H. C. R. No. 26, Requesting that the Governor return S. B. No. 68 to the House for further consideration.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated.

H. B. No. 4, to Committee on Civil Jurisprudence.

H. B. No. 6, to Committee on State Affairs.

H. B. No. 18, to Committee on State Affairs.

H. B. No. 9, to Committee on Civil Jurisprudence.

H. B. No. 122, to Committee on State Affairs.

House Concurrent Resolutions Referred

The following resolutions, received from the House today, were severally read and referred to the committees indicated:

H. C. R. No. 11, to Committee on State Affairs.

H. C. R. No. 13, to Committee on State Affairs.

H. C. R. No. 17, to Committee on State Affairs.

H. C. R. No. 25, to Committee on Agriculture.

H. C. R. No. 26, to Committee on Judicial Districts.

Reports of Standing Committees

Senator Stone, by unanimous consent, submitted the following reports:

Austin, Texas,

February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred S. B. No. 149, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Austin, Texas,

February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred H. B. No. 85, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Austin, Texas,

February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred H. B. No. 129, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

STONE, Chairman.

Austin, Texas,

February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred H. B. No. 133, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred H. B. No. 181, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred H. B. No. 190, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred H. B. No. 241, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

STONE, Chairman.

Senator Vick, by unanimous consent, submitted the following report:

Senate Chamber,
Austin, Texas,
February 8, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. No. 112, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with attached Committee amendment and be printed.

VICK, Chairman.

Senator Lanning, by unanimous consent, submitted the following reports:

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

H. B. No. 179, A bill to be entitled "An Act appropriating and transferring, for the current fiscal year, to the Special Fund in the Treasury, known as the 'Blind Assistance Fund,' for the purpose of administering assistance to the blind as authorized by law, the sum of Seventy Thousand (\$70,000) Dollars from the Clearance Fund established by H. B. No. 8, Regular Session, Acts, Forty-seventh Legislature, in addition to the Four Hundred Thousand (\$400,000) Dollars authorized to be transferred from such Clearance Fund by S. B. No. 490, Regular Session, Acts of the Forty-seventh Legislature and providing that each fiscal year following the current fiscal year, there shall be transferred to the 'Blind Assistance Fund' from said Clearance Fund the sum of Seven Hundred Thousand (\$700,000) Dollars, said amount to be provided on the basis of equal monthly installments; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with the attached Committee amendments.

LANNING, Chairman.

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 118, A bill to be entitled "An Act appropriating to the State Soil Conservation Board monies for payment of mileage claims of district supervisors for the fiscal years ending August 31, 1942, and August 31, 1943; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and

be printed with the attached Committee amendment.

LANNING, Chairman.

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 36, A bill to be entitled "An Act making an appropriation of Three Thousand Five Hundred (\$3,500.00) Dollars to the Attorney General for the purpose of printing the Attorney General's Annual and Monthly Opinion Reports; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANNING, Chairman.

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 144, A bill to be entitled "An Act providing for placing certain special funds in the General Revenue Fund of the State of Texas and especially transferring a portion of the surplus from the Operator's and Chauffeur's License Fund to the General Revenue Fund of the State of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANNING, Chairman.

Senator Graves, by unanimous consent, submitted the following report:

Austin, Texas,
February 8, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred S. J. R. No. 2, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Senator Lovelady, by unanimous consent, submitted the following report:

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education to whom was referred H. B. No. 29, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

LOVELADY, Chairman.

Senate Bill 40 on Second Reading

Senator Mauritz moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 40 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Formby	Spears
Kelley	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 40, A bill to be entitled "An Act to prescribe venue of actions and suits for collection of delinquent ad valorem taxes on real and personal property."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 40 by adding to the caption thereof the words: "and declaring an emergency."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 40 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 40 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Formby	Spears
Kelley	

Executive Session

At 11:00 o'clock a. m., the President announced the arrival of the hour set for an executive session of the Senate.

Accordingly, the floor and galleries were cleared of those not entitled to attend the executive session, and the doors leading from the Senate Chamber were closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk the following report had been adopted by the Senate:

Austin, Texas,
February 8, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nominations:

To be Branch Pilots for the Sabine Bar, Pass and Tributaries for two year terms expiring February 7, 1945:

Capt. R. Gerald Johnson of Jefferson County,

Capt. C. K. Luther of Jefferson County.

To be Executive Secretary of the Board of Trustees, Teacher Retirement Board, term to expire November 1, 1944:

Mrs. B. B. Sapp of Liberty, Liberty County.

To be a Member of the Commission of Public Safety to fill the unexpired term of W. H. Richardson, Jr., resigned, term to expire December 31, 1943:

J. Price Maddox of Sweetwater, Nolan County.

To be Commissioner to the National Conference of Commissioners on Uniform State Laws to fill the unexpired term of the Honorable Harry P. Lawther, deceased, term to expire July 7, 1945:

Honorable O. D. Brundidge of Dallas, Dallas County.

To be Captain, Infantry, and assigned as aide-de-camp on the Governor's staff:

Dale Newell Morrison of San Antonio, Bexar County.

To be Member, State Highway Commission, for a six year term expiring February 15, 1949:

Fred E. Knetsch of Seguin, Guadalupe County.

Have had the same under consideration, and do recommend that they be in all things confirmed.

BROWNLEE, Chairman.

The President called the Senate to order as in legislative session at 12:05 o'clock p. m.

Bills and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

S. B. No. 23, A bill to be entitled "An Act amending paragraph numbered 1, of Article 199, Title 8, Revised Civil Statutes of Texas, providing for a continuous term of Court in the counties in the First Judicial District of Texas; and declaring an emergency."

S. B. No. 145, A bill to be entitled "An Act providing for the conducting of the business of public offices by first assistants or chief deputies, in the case of physical vacancies therein, until the vacancy in the term of the office shall be filled by the appointment or election and qualification of a successor; and declaring an emergency."

S. C. R. No. 8, Adopting the joint rules of the Forty-seventh Legislature without change as the joint rules of the Forty-eighth Legislature.

S. B. No. 34, A bill to be entitled "An Act to amend Subdivision 24 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the terms of the District Court in DeWitt, Goliad, Jackson, Refugio, Calhoun, and Victoria Counties, constituting the 24th Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under this Act; providing for apportionment of reporter's salary; and declaring an emergency."

S. B. No. 88, A bill to be entitled "An Act to amend Title 8, Article 199, paragraphs 15 and 59 of the

Revised Civil Statutes of the State of Texas of 1925, as amended by Act of the Second Called Session of the Forty-third Legislature, 1934, said Article providing judicial districts of the State, and paragraph 15 thereof defining the 15th Judicial District and determining the date and length of the term of such District Court in Grayson County, and paragraph 59 defining the 59th Judicial District, and determining the date and length of term of such District Court in each of the Counties of Collin and Grayson, comprising such District, and further providing for the empaneling of a grand jury by each of such District Courts in Grayson County, providing for concurrent jurisdiction of each of such District Courts in Grayson County, providing for the transfer of cases between each of such District Courts in Grayson County, designating the District Clerk of Grayson County to be the clerk of both of such Courts in Grayson County, and said amendment providing for a change in the terms and time of holding court in each of said Judicial Districts; providing that partial unconstitutionality of this Act shall not affect the remainder thereof; and declaring an emergency."

Suspension of Rules

Senator Lemens moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature as applied to Senate Bills Nos. 13, 14, 15, 16, and 17.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Shivers
Fain	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York
Lemens	

Absent

Moore	Ramsey
Morris	

Absent—Excused

Formby	Spears
Kelley	

Senate Bill No. 13 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 13, A bill to be entitled "An Act to amend Article 2529, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 13 on Third Reading

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Shivers
Fain	Stone
Graves	Sulak
Hazlewood	Vick
Jones	Weinert
Lane	Winfield
Lanning	York
Lemens	

Absent

Moore	Ramsey
Morris	

Absent—Excused

Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Cotten
Beck	Fain
Brownlee	Graves
Bullock	Hazlewood
Chadick	Jones

Lane	Morris
Lanning	Shivers
Lemens	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield
Moffett	York

Absent

Moore	Ramsey
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Absent—Excused

Formby	Spears
Kelley	

Senate Bill 14 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 14, A bill to be entitled "An Act to amend Article 4180, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 14 on Third Reading

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Morris
Fain	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

Absent

Moore	Ramsey
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Absent—Excused

Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Morris
Fain	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

Absent

Moore	Ramsey
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Absent—Excused

Formby	Spears
Kelley	

Senate Bill 15 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 15, A bill to be entitled "An Act to amend Article 2560, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 15 on Third Reading

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 15 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hazlewood
Beck	Jones
Brownlee	Lane
Bullock	Lanning
Chadick	Lemens
Cotten	Lovelady
Fain	Martin
Graves	Mauritz

Metcalf	Sulak
Moffett	Vick
Morris	Weinert
Shivers	Winfield
Stone	York

Absent

Moore	Ramsey
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Absent—Excused

Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Morris
Fain	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

Absent

Moore	Ramsey
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Absent—Excused

Formby	Spears
Kelley	

Senate Bill 16 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 16, A bill to be entitled "An Act to amend Article 2547, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 16 on Third Reading

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 16 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Morris
Fain	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

Absent

Moore Ramsey

Absent—Excused

Formby Spears
Kelley

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Morris
Fain	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

Absent

Moore Ramsey

Absent—Excused

Formby Spears
Kelley

Senate Bill 17 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 17, A bill to be entitled "An Act to amend Article 926, Re-

vised Civil Statutes of 1925, as there- after amended; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 17 on Third Reading

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Morris
Fain	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

Absent

Moore Ramsey

Absent—Excused

Formby Spears
Kelley

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Morris
Fain	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York

Absent

Moore Ramsey

Absent—Excused**Formby
Kelley****Spears****Report of Standing Committee**

Senator Fain, by unanimous consent, submitted the following report at this time:

Austin, Texas,
February 9, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on County and County Boundaries to whom was referred H. B. No. 167, have had same under consideration,

and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

FAIN, Vice Chairman.

Resolution Signed

The President signed S. C. R. No. 13 in the presence of the Senate, after giving due notice thereof and its title had been read.

Adjournment

On motion of Senator Martin, the Senate, at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

In Memory of
Cadet Harold Randolph Bailey

(Senate Resolution 29)

Senator Aikin offered the following resolution:

Whereas, On February 1, 1943, the Almighty, in His infinite wisdom, called from this life, Cadet Harold Randolph Bailey; and

Whereas, This fine young man was in the service of his country serving with the Air Corps of the United States Army; and

Whereas, The loss of this young man will be deeply felt by his loved ones and all who knew him for the fine character that he was; and

Whereas, This young man was the son-in-law of our beloved fellow Member, Senator Clay Cotten; now, therefore, be it

Resolved by the Senate of Texas, That we extend our deepest sympathy to the parents, Mr. and Mrs. H. C. Bailey, Jr., of Clarksville, Texas, to his wife, the entire family, and his many friends; and be it further

Resolved, That the Secretary of the Senate is directed to mail a copy of this resolution to each member of this fine young man's family, and that when the Senate adjourns today, it do so out of honor and respect to the memory of this fine young man and gallant Texan.

AIKIN,
MAURITZ,
LANNING.

Signed—Aikin, Beck, Brownlee, Bullock, Chadick, Fain, Formby, Graves, Hazlewood, Jones, Kelley, Lane, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Morris, Ramsey, Shivers, Spears, Stone, Sulak, Vick, Weinert, Winfield, and York.

On motion of Senator Chadick, and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.